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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,181	08/01/2003	Fernando Cardenas	3069/1	4899
23638	7590	10/04/2004		
ADAM EVANS, P.A. (formerly Adams, Schwartz & Evans, P.A.) 2180 TWO WACHOVIA CENTER CHARLOTTE, NC 28282			EXAMINER HENDERSON, MARK T	
			ART UNIT 3722	PAPER NUMBER

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,181	Applicant(s) CARDENAS, FERNANDO	
	Examiner Mark T Henderson	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit:

DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, since it does not produce a useful, concrete and tangible result.

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Claim 1 is directed to a sheet having mere arrangements of printed matter, i.e., graph lines at different sizes. Mere arrangement of printed matter though seemingly a “manufacture,” is rejected as not being within the statutory classes. See *In re Miller*, 418 F.2d 1392, 164 USPQ 46 (CCPA 1969); *Ex parte Gwinn*, 112 USPQ 439 (Bd. App. 1955); and *In re Jones*, 373 F.2d 1007, 153 USPQ 77 (CCPA 1967). See MPEP 706.03(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greeley (1,151,782).

Greeley discloses in Fig. 1 and 2, a sheet for writing or drawing comprising a sheet (1) of any size; having a plurality of lines printed on the surface, wherein the lines are positioned to form a plurality of squares covering the surface of the sheet.

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However, Greeley does not disclose wherein the sheet size is: 4.0 inch x 6.0 inch; 3.0 inch x 5.0 inch; 4.0 inch x 4.0 inch; 3 inch x 3.5 inch; 2 inch x 3.5 inch; and wherein the squares are .25 inch x .25 inch.

It would have been an obvious matter of design choice to construct the sheet and square size in any desirable size, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been obvious to form the sheet and square size in any dimension, since applicant has not disclosed the criticality of having a particular sheet and square size, and invention would function equally as well if sheet was constructed in any dimension.

3. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschanz (6,159,329).

Tschanz discloses in Fig. 2-B, a pad for writing or drawing thereon comprising; a plurality of bound rectangular sheets (34) of any desirable size; having a plurality of lines (32) printed on the surface, wherein the lines are positioned to form a plurality of squares covering the surface of the sheet.

However, Tschanz does not disclose wherein the sheet size is: 4.0 inch x 6.0 inch; 3.0 inch x 5.0 inch; 4.0 inch x 4.0 inch; 3 inch x 3.5 inch; 2 inch x 3.5 inch; and wherein the squares are .25 inch x .25 inch.

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It would have been an obvious matter of design choice to construct the sheet and square size in any desirable size, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been obvious to form the sheet and square size in any dimension, since applicant has not disclosed the criticality of having a particular sheet and square size, and invention would function equally as well if sheet was constructed in any size.

4. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschanz in view of Levin (5,948,494).

Tschanz discloses in Fig. 2-C, a sheet for writing and drawing comprising: a rectangular sheet of paper approximately 8.5 inch x 11.0 inch having removable attached sections (40a - 40f); wherein the section are formed in various sizes; having parallel sections; and having a plurality of lines (32) printed on the surface, wherein the lines are positioned to form a plurality of squares covering the surface of the sheet; and wherein the sheet (42) can be bound (as seen in Fig. 2-C wherein the sheet has holes to be placed in a binder).

However, Tschanz does not disclose: wherein the sheet is perforated to form five removably attached sections; wherein the first section is sized at 2.0 inch x 3.5 inch; second and third sections are sized at 3.0 x 5.0 inch; and fourth and fifth sections are each sized at 4.0 inch x 6.0 inch; wherein first second and third sections are positioned parallel to each other; fourth and

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fifth sections are positioned parallel to each other; and wherein the squares are sized at .25 inch x .25 inch.

Levin discloses in Fig. 1, 2, 9, and 10, a plurality of bound sheets (see Fig. 1) having parallel perforated sections (100, 102, 104, 106) that are removably attached.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tschanz's sheet with perforated removably attached sections as taught by Levin for the purpose of providing an alternative means in which to holding a number of sheet sections.

In regards to **Claims 11, 15, 16 and 18**, it would have been an obvious matter of design choice to construct the sheet and square size in any desirable size, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been obvious to form the sheet and square size in any dimension, since applicant has not disclosed the criticality of having a particular sheet and square size, and invention would function equally as well if sheet was constructed in any size.

In regards to **Claims 12 and 13**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the perforated sections at any desirable location on the sheet, since it has been held that rearranging parts of an invention involves only routine skill in the art. Therefore, it would have been obvious to place the sheet sections in any orientation, since applicant has not disclosed the criticality of having a particular sheet section

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orientation, and invention would function equally as well if the sections were in any desirable orientation.

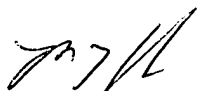
Prior Art References

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Pitts et al, Riseman, Hoover, and Brunhoefer discloses similar graph sheets. Drake and Tayebi disclose bound sheet sections.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

September 30, 2004



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